

CHILD WELFARE IN PROGRESS

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History and Background of the Child Welfare Act

As communities and lifestyles grow and change, the need arises for government legislation to be reviewed and developed to keep pace with society's changing needs. The present legislation governing the welfare of children and families in Alberta was passed in 1965. Although modifications have been made to the Act in the intervening years, it was generally recognized that, after 20 years, there were areas of the child welfare system that should be assessed and developed further to keep pace with changes that are occurring.

Proposed new child welfare legislation was introduced in the Legislature in late 1983 as Bill 105. Also in late 1983, the Cavanagh Review Board, appointed by the Government to review the Child Welfare Act and services, published its findings. The Cavanagh Report's recommendations, along with input stemming from consultation between government representatives and the public on Bill 105, resulted in a new Child Welfare Act being assented to May 31, 1984. The Act will be proclaimed on July 1, 1985 and will guide Alberta Social Services and Community Health in its provision of services to children in need of protective services and their families.

The values stated in the new Act include recognition of the family as a basic unit of society; recognition and protection of children's rights; and an intent to practise the least intrusive measures possible while providing adequate assistance to children in need of protective services.

The Act introduces several new concepts for the care of children in Alberta. These concepts include: a Children's Guardian; private and joint guardianship; increased accountability to the courts, including shorter timelines for court appearances; special consideration for Indian children; a post-adoption registry; and provision for an Appeal Panel.

To implement these changes, the Child Welfare Implementation Project was initiated by Alberta Social Services and Community Health. The project is headed by a group of Project Managers, each team member having experience in child welfare/children's services programs or relevant government administration, with a wide range of complementary expertise.

The mandate of the project was expanded in July, 1984 by the Deputy Minister, and now also includes the long-term planning and development of a child welfare system that will complement the intent and the principles of the new legislation.

Child Welfare Implementation Project (CWIP)

The CWIP team has scheduled short- and long-term projects: several are designed to ensure successful implementation of the Act on July 1, 1985; others extend over a 3-5 year period. CWIP goals include:

- assuring the implementation of a family and children's services system that will support and realize the principles, intents and requirements of the new Child Welfare Act
- developing regulations to administer the new legislation

- ensuring the regulations and other components essential for the basic administration of the Act are implemented by June 30, 1985

- implementing other required changes to the child welfare delivery system by June 30, 1985 with refinements completed by June 30, 1989. These changes will be based on a planned program of monitoring and evaluating the implementation process

- ensuring that implementation of the Act considers the need for effective and efficient service to children and their families; consultation with those interested in the changes; decentralization and delegated decision-making within Alberta Social Services and Community Health; responsibility and sensitivity to the community.

The foundation has been laid for an improved child welfare system. With the proclamation of the new Child Welfare Act on July 1, 1985, Alberta will have taken another major and decisive step towards enhancing the continuum of available services to children and their families.

A Child in Need of Protective Services

The new Child Welfare Act provides detailed definitions of those conditions that may lead to a child being in need of protective services. It also provides a number of clear considerations which must guide work with children at risk and their families.

The Act states that a child is in need of protective services when there are reasonable and probable grounds to believe that the **survival, security or development** of the child is endangered because of any of the following:

- a. *the child has been abandoned or lost;*
- b. *the guardian of the child is dead and the child has no other guardian;*
- c. *the guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;*
- d. *the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;*
- e. *the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;*
- f. *the child has been emotionally injured by the guardian of the child;*
- g. *the guardian of the child is unable or unwilling to protect the child from emotional injury;*
- h. *the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;*
- i. *the condition or behavior of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.*

The new Act, clearly defines three major areas of neglect and abuse:

- (a) a child who is emotionally injured
- (b) a child who is physically injured
- (c) a child who is sexually abused.

Emotional injury has traditionally been difficult to establish. The Act, by outlining observable symptoms of emotional injury, will assist child welfare workers and professionals in working with children who are suspected of being endangered. Similarly, the Act provides a comprehensive list of observable evidence of physical injury.

Principles and Values

Section 2, "Matters to be considered", provides a number of clear considerations which must guide work with children at risk and their families. These matters to be considered define succinctly the government's paramount concern for children in need of protective services by: respecting a child's heritage; recognizing a child's ability to contribute to the decision-making process; acknowledging respect for the privacy of the family and the importance of the family as the social institution of society; and providing an effective remediation of the problems that led to the child being placed at risk.

The principle of taking the least intrusive measure to ensure the protection of children is made possible in part, with the introduction of support agreements and custody agreements in the Act. As well, the child welfare worker has the ability to provide emergency care without needing to apprehend a child.

Timelines for making decisions and obtaining court decisions regarding a child are shorter, which reinforces another principle in the Act: no unreasonable delay should occur in making or implementing decisions affecting a child.

Responsibility to Report

Another area on which this Act specifically focuses is outlined in Section 3, "Reporting child in need". All individuals, groups, agencies, and other professional or occupational groups working with children in any capacity need to be familiar with this section of the new Act.

Section 3(1) states: "*Any person who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director.*" Any person who fails to comply is guilty of an offense.

If a director refers a member of the family or the family to a community resource, that resource has the responsibility to report any subsequent matter that would indicate the child is at risk.

The protection and well-being of children is a responsibility shared by the whole community. Only by working together effectively in responding to the needs of children and their families can we ensure a high quality of care for Alberta's children.

Definitions of Terms for Child Welfare

The new Child Welfare Act contains several terms that replace those presently used and also introduces some new terms. Here are some of the most frequently used words:

Access Agreement or Order: A commitment or requirement for scheduled contact between a child and members of his/her natural family. Agreements are voluntary while orders are made through the Court.

Adoption Orders: These will continue to be made in Court of Queen's Bench. The legal effect of an adoption is such that the adopted child becomes the child of the adopting parent who assumes responsibilities of guardianship, as if the child had been born to the family.

Appeal Panel: An Appeal Panel, established by the Minister, will consist of 3 to 7 persons appointed by the Minister. A guardian, child, or others, as defined by the Act, may appeal certain decisions of a director. Subject to this Act and Regulations, the Panel may confirm, reverse or vary the decision of a director. A decision of the Appeal Panel is final.

Apprehension Order: This is an order granted by the Court, or by a judge by telephone when it is not possible to appear before the Court, which authorizes a child welfare worker to apprehend a child.

Child: This is a person under the age of 18 years as identified by a birth or baptismal certificate, or attested to by a parent of the child under oath, or any other information relating to the age of the child that the Court considers reliable (i.e. child's appearance).

Child Welfare Worker: This means a person appointed by a director as a child welfare worker in accordance with regulations.

Children's Guardian: This refers to the person appointed by the Minister as the Children's Guardian for purposes of this Act. His responsibilities include monitoring, consulting, advocating and decision-making on behalf of children who are the subject of a Temporary Guardianship Order or Permanent Guardianship Agreement or Order.

Custody Agreement: This is an agreement in which the guardian of the child, or a child 16 years of age or over, has requested a director to assume temporary custody. Although it is voluntary by nature, a director must be satisfied that: a) the child is in need of protective services, b) the survival, security, or development of the child cannot be adequately protected if the child remains with his/her guardian.

This replaces the Custody by Agreement provision in the former Act.

Director: This refers to a person designated as a director for the purposes of this Act. This position and role is different from that of the Director of Child Welfare under the former Act. A director, under the new Act, is responsible for the custody (supervision or keeping) and/or care (provision of service) of a child. Care and custody include responsibility for the case management, case planning, safety and development of the child. The Director of Child Welfare, under the former Act, was responsible for all of the above plus those matters for which the Children's Guardian is responsible under the new Act.

Guardian: This refers to a person who is, or is appointed as, a guardian under Part 7 of the Domestic Relations Act, or is a guardian under an order or agreement made under this Act.

Joint Guardianship: If a child is the subject of a Permanent Guardianship Order or Agreement, any adult may make an application to be appointed as guardian of the child **jointly** with the Children's Guardian. The person must have a significant and continuing relationship with the child. The Children's Guardian must be of the opinion that the child will not be adopted within a reasonable period of time.

Permanent Guardianship Order: This is an order made by the Court if it is satisfied that it cannot be anticipated, within a reasonable period of time, that a child can be returned to his/her guardian(s). This replaces the Permanent Wardship Order in the former Act.

Maintenance Agreement and Orders: A director may enter into a maintenance agreement with the guardian(s) of a child who is the subject of a temporary guardianship order. He may also request a maintenance order, through the Provincial Court or Court of Queen's Bench, regarding a child who is the subject of a temporary or permanent guardianship order. The agreement or order would detail the financial contributions for the maintenance of the child in care. The director and the Court shall consider all relevant circumstances including the capacity of the guardian(s) to pay maintenance and provide for the needs of the child.

LAW ENFORCEMENT
CHILDREN'S GUARDIAN
DEFINITIONS

Post-Adoption Registry: The post-adoption registry allows for the adult adoptee, biological parent(s) and adult sibling(s) to apply to learn the identities of one another. It allows for disclosure of the identity of an adopted person, his biological mother, his biological father or his sibling. An application for such information can only be made by: a) the adopted person, if he has reached the age of 18 years, b) the biological father or mother of the adopted person or, c) an adult sibling of the adopted person. The Minister shall enter the name of the applicant on the post-adoption registry and shall provide the information requested if the other party has also applied to have his or her name entered into the registry.

Private Guardianship Order: The purpose of a private guardianship order is to allow the appointment of an individual as guardian of a child. Private guardianship may be of importance to:

- Native persons by providing a legal mechanism for recognizing custom adoptions
- foster parents who have had long-term care of foster children but for whom adoption is inappropriate because of the permanent severing of all ties with the biological parents, including the rights of access and inheritance
- step-parents or blood relatives where it may not be in the best interests of the child to sever all ties with the biological parent.

This order may be made concerning a child who is the subject of a Permanent Guardianship Order or Agreement, or who has been under the continuous care of any adult for more than six months. The following criteria must be met: a) the applicant is able and willing to assume responsibility for the child, b) it is in the best interests of the child, and c) a child (if 12 years of age or over) consents.

Secure Treatment Certificate: This is a certificate issued by a director (or a designate) which allows a child welfare worker to place a child in a secure treatment setting. The certificate is issued if the director believes a child is: a) suffering from a mental or behavioral disorder, b) is a danger to self or others, and c) requires confinement to alleviate the disorder. A Secure Treatment Certificate can remain in effect for only five days, after which, application must be made for a Secure Treatment Order if further confinement of a child is required.

This replaces the Compulsory Care Certificate in the former Act.

Secure Treatment Order: This is an order made by the Court which allows a child welfare worker to place a child in a secure treatment setting. This order can be made by a Court if it is satisfied that a child: a) is suffering from a mental or behavioral disorder, b) is a danger to self or others, and c) requires confinement to alleviate the disorder. This replaces the Compulsory Care Order in the former Act.

Supervision Order: Such an order enables a director to supervise a guardian and child in their own home when the child is in need of protective services, and the Court is satisfied that the child's survival, security, or development can be adequately protected by making the order.

Support Agreement: This is a contractual agreement signed by a guardian and a director. Its purpose is to provide support services that will support a family whose child has been found to be in need of protective services while the child remains at home. There is also provision to enter into a Support Agreement with a child 16 years of age or over where the child is living independently of his/her guardian, and the survival, security, and development of the child will be protected if the child continues to live independently of his/her guardian.

Temporary Guardianship Order: Such an order may be issued by the Court appointing the Children's Guardian as temporary guardian of the child. The Court must be satisfied that the child is in need of temporary protective services and will return home within a reasonable period of time. This replaces the Temporary Wardship Order in the former Act.

The Children's Guardian

One of the major changes brought about by the new Child Welfare Act is the creation of the Office of the Children's Guardian. The Children's Guardian will assume some responsibilities that the Director of Child Welfare had under the former Act. The concept and the role of a Children's Guardian, as outlined in the new Act, are unique in North America.

Since the terms "guardianship" and "custody" are often used in the legislation and policy of the Child Welfare Act, a definition of these terms follows.

Guardianship

Guardianship is the legal responsibility conferred on a person, empowering that person to make decisions, consent, monitor and advocate on behalf of a child. Traditionally, guardianship has included the power to determine a child's education, choice of religion, administration of the child's property, and to consent to the child's marriage. The Children's Guardian will assume these powers, with the exception of property administration, which will be assumed by the Public Trustee.

Custody

Custody is primarily concerned with the supervision and care of a child and requires attention to the child's physical, mental and emotional well-being. Custody includes being responsible for a child's basic needs such as food and clothing, instructing the child in moral conduct, and exercising control of the child.

Under the new Child Welfare Act, a director will be responsible for the custody of children who are found to be in need of protective services. Care and custody includes responsibility for the development of a caseplan, assessing services for the child in care, supervising the child's care, and establishing long-term plans to meet the child's needs.

Under the new Child Welfare Act, when responsibility for a child has been transferred to the Children's Guardian, either by a Court order or by an agreement with the child's previous guardian, the Children's Guardian will become the decision-maker for the child's care. The Children's Guardian also will act as an advocate for the child for whom he is the legal guardian.

The Children's Guardian has the power to delegate duties and powers, including authority for consent, to other persons. The Children's Guardian will delegate much of the routine decision-making to directors and, through directors, to child welfare workers and other care-givers. The Children's Guardian will be responsible for monitoring the care of children for whom he is the legal guardian. In addition, he will retain authority for consent and decision-making in matters that may have major impact on a child's future, such as consent to adoption or for major medical procedures.

Roles of Director and the Children's Guardian

A director, under the Child Welfare Act, is responsible for the custody (supervision and keeping) and/or care (provision of service) of a child depending on whether the child remains in the care of his guardian or is placed in an alternative residential resource. Care and custody include responsibility for the case management, case planning, safety and development of the child. A director, in essence, is the vehicle for the child's care and development.

The Children's Guardian, becomes the substitute decision-maker for the child's care when the Court or guardian has transferred guardianship responsibility. In a functional sense, the role of Children's Guardian is primarily one of monitoring the custodial and care decisions made by a director or his delegate, and advocating for all children under guardianship. The role of advocate on behalf of children under guardianship generally, as well as on behalf of an individual child, flows from these responsibilities.

Appointments

There is one provincial Children's Guardian and six Regional Children's Guardians. The Regional Guardians will maintain close liaison with the care-giving system as they, through delegation from the provincial Guardian, will be involved in decision-making, monitoring, advocacy, and consenting on behalf of children under guardianship.

The provincial Children's Guardian will supervise the Regional Guardians, monitor their decisions, and assume ultimate responsibility as the spokesperson on behalf of all children in the province who are under his guardianship. In addition, the Children's Guardian is expected to be sensitive to all child welfare issues within the department, and throughout the province. Information will be obtained from outside groups and departmental personnel that will assist in identifying gaps or weaknesses in the service system. As an advocate for children under his guardianship the Children's Guardian will have an obligation to address all issues and problems identified as having an impact or potential impact upon the well-being of children in this province.

The concept and creation of the Children's Guardian is unique in child welfare legislation in North America. The challenge is to make it effective.

Implications for Law Enforcement Agencies

The new Child Welfare Act will affect law enforcement agencies in a variety of ways although the adjustments required are not considered to be major. The Act allows for a more comprehensive and effective continuum of services to children and families with an increased emphasis on less intrusive measures in providing these services. Services are to be provided in such a way as to minimize intrusion, disruption and restriction to the family.

This emphasis on less intrusive measures may affect some practices of law enforcement agencies, particularly:

- involvement of police after hours, and
- gaining secure treatment for children.

Involvement and Apprehension After Hours

Section 17 of the Act requires that, before apprehending a child, an Apprehension Order be obtained by application to the Provincial Court, or from a judge when an application cannot be made before the Court. The Apprehension Order is required during and after working hours. A judge is on call 24 hours daily. Under specific circumstances outlined in Section 17(9), a child welfare worker or peace officer may apprehend a child without an Apprehension Order only under certain emergency circumstances.

In any apprehension, a child must either be returned home within two days (section 19) or an application for continual involvement by the department must be made to the Court. During the two-day period, the child welfare worker may locate a parent, arrange for a relative to become involved, or provide emergency care-giving. This change allows flexibility to return a child home if, after the fact and after an emergency situation had been resolved, an apprehension was found to have been inappropriate or unnecessary.

Secure Treatment

Legislation to protect secure treatment (formerly called compulsory care) is more restrictive than under the former Act. Section 41 and section 42 of the Act describe the conditions required before a director can issue a secure treatment certificate or apply for a court order. A child must be suffering from a mental or behavioral disorder; must be in a condition presenting a danger to himself and others; and of necessity, the child must be confined in order to remedy or alleviate the disorder. Because of the criteria for secure treatment, law enforcement agencies may find such agreements or orders are not as readily available as in the past for a child who is out of control or has committed an offense.

Under section 4 of the Act, a peace officer may report or refer a child under the age of 12 years, who is believed or known to have committed an offense under an Act of Parliament of Canada, to Alberta Social Services and Community Health. Upon receiving such a referral, the department will investigate the matter to determine if further action is warranted.

Section 28 of the Act outlines when a director can apply for a restraining order through Court of Queen's Bench. In some cases, it may be more appropriate for the police to make such an application, for example, when police officers are investigating a case of sexual abuse and they feel a restraining order should be made against the suspected perpetrator.

Personnel of law enforcement agencies and departmental staff in district offices may wish to discuss the changes and how the new legislation will affect their working together. Over the years, child welfare staff and law enforcement agencies throughout the province have developed a strong partnership in providing services to children and their families. The new Act supports and encourages this partnership.

Implications of the New Child Welfare Act for Residential Agencies Providing Care to Children

Alberta Social Services and Community Health believes the integral relationship between children, family and community should be maintained and supported through departmental policies and programs. The new Child Welfare Act consistently reflects this viewpoint. It emphasizes shared responsibility and cooperative planning with the community on child welfare matters, so that children can receive the services they need in their own communities. The legislation serves as a positive support to community-based residential children's agencies.

Principles and Values

The principle of least intrusive intervention is inherent to all sections of the Act. Under section 2(h), the child welfare worker, when choosing a placement, must consider the following:

- *the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage, and*
- *the benefits to the child of a placement within or as close as possible to the child's home community.*

This has important implications for programming and resource planning. Residential programs for individual children must include components relative to the child's cultural and social heritage.

Impact of Act on Residential Centres

Of further importance to residential centres are the changes to the legislation on temporary guardianship. The Act, in section 31, limits the total cumulative period during which a child is in the custody of one or more directors or the subject of a temporary guardianship order to no more than two years, with an extension of not more than 1 year in exceptional circumstances. During this period the child welfare worker must be able to return the child to his/her guardian(s) or seek a permanent guardianship order. Also under section 29(4) of the Act, agreements are to be drawn up between parents and the department defining terms such as the consultation process that will take place with the parents, matters of access, and financial responsibilities. For residential centres, whether these conditions are determined by a court order or an agreement between the child welfare worker and the guardians, there will be a greater degree of involvement between the centres and the parents of children placed in their care.

Section 8 of the Act allows a director to enter into a custody agreement with a child who is 16 or 17 years of age and place him/her in a residential setting. This agreement would be contingent on the child's cooperation.

Under the new legislation, child welfare workers are required to develop detailed case plans outlining the type of care and services to be provided to all children in care. In addition, the child welfare worker must be able to show the child's progress and use the case plan to demonstrate the necessity for renewal of guardianship orders. This will require child welfare workers to work closely with treatment agencies to develop and follow-up on case plans.

Secure Treatment

The changes in the secure treatment legislation, formerly called compulsory care, are consistent with the principle of least intrusive intervention. To ensure that secure treatment certificates and orders are used only when absolutely necessary and that less restrictive measures are used whenever appropriate, significant changes were

made in this area. Criteria determining eligibility are more clearly defined, time lines are more stringent, and formal review procedures have been built into the legislation. This will result in increased reliance on open residential settings and less on closed facilities.

The new Act clarifies the issue of confidentiality which will make it easier for child welfare workers to discuss cases with care-givers and other involved parties.

Protection of Children's Rights

The new Act has specific provisions for protecting children's rights. Children will be informed of proceedings affecting them and will take part in the decision-making if appropriate. Greater emphasis will be placed on the appointment of legal counsel to represent children's legal rights in any proceeding that may directly affect their interests. Under the new Act, children retain the right to appeal court decisions in relationship to secure treatment orders. Furthermore, section 86 of the new Act permits children, and any adult who has had continuous care of the child, to appeal certain departmental decisions to a formal Appeal Panel.

Children's Guardian

The Act creates the Office of the Children's Guardian, which will make and review decisions that lie outside of the Court for children under guardianship orders or guardianship agreements. The Children's Guardian, in addition to monitoring the care of the children for whom he is assigned guardianship responsibilities under the Act, will advocate on behalf of these children. This role of the Children's Guardian is a positive support for the treatment of children in residential programs.

In summary, the new Child Welfare Act has incorporated changes in legislation that will enhance the quality of the present residential program. The new Act promotes more cooperation between private agencies and Alberta Social Services and Community Health for more effective resolutions to child welfare issues. The Act ensures respect for the rights of individual children, encourages privacy for the family and upholds the belief that children should remain in their community. Strong ties, already existing between community residential child care agencies and Alberta Social Services and Community Health, are reinforced by the new Act.

Implications for Child and Family Service Agencies in Communities

The welfare of children and families is a responsibility which is shared by many agencies in each community of the province. The mandates of these agencies vary from legislated programs, such as education, public health, and family and community support services, to voluntary associations and private agencies which provide a broad spectrum of services in response to local needs.

The new Child Welfare Act directs the actions of child welfare workers of Alberta Social Services and Community Health through more than 50 district offices across the province. These district offices are part of the overall network of agencies serving families and children in local communities. The Act provides the authority for these staff to intercede on behalf of children who are in need of protective services.

Families and their children, and the communities in which they reside, are interdependent upon one another and this fact is recognized and reinforced in the new Child Welfare Act. Specific provisions in the legislation encourage child welfare staff of the department to make use of community services when providing for children in need of protective services and their families. This continues a tradition which has existed within the department's Child Welfare Program for many years. Currently community agencies provide the majority of the services required by children and their families within the Child Welfare Program.

Community Involvement in the Provision of Services

The new Child Welfare Act recognizes and reinforces the importance of community involvement. Children in need of protective services, and their families, require many and varied support services ranging from life skills training and family life education to personal and family counselling. To secure these services for child welfare clients, Alberta Social Services and Community Health may purchase these services for individual clients on a fee-for-service arrangement, provide an operating grant, or enter into a contract with a community agency. Funding models depend upon the nature of the required service, the extent to which clients require the service in any particular community, and the availability of funding within a regional office.

District offices of Alberta Social Services and Community Health are responsible for the delivery of quality services to clients. The district offices, therefore, are the contact points for suggestions and requests for the development of community-based services.

As well as providing support services, community agencies, along with other members of the community, have a responsibility to report to a district office any instance where they believe a child may be in need of protective services. Also, where an agency has accepted the referral of a client for services, the agency is required to advise the child welfare worker if it believes new or increased risks have developed for a child.

The new Child Welfare Act defines more clearly the caseworker's guidelines in sharing pertinent information with community agencies who are serving the needs of a client. This emphasizes the responsibility agency staff have to protect the confidentiality of such information. In some instances, community agency staff will become more involved in the actual process of case planning and evaluation. Effective case planning is now a requirement under the new Act and is fundamental to the delivery of appropriate services to meet the needs of children and families.

The new Act underlies the importance of considering family privacy and children's rights when providing services to children and their families.

Preventive services, which emphasize the provision of developmental and supportive activities for children and their families, are critical links in the overall children's services system. Working at the preventive level, community agencies are able to assist families to function effectively as they deal with day-to-day needs and problems. When community services are unavailable, the potential for increased social problems necessitating

- to identify and define those traditional Indian beliefs, values, and customs that need to be incorporated in the child welfare program.

Impact of the Legislation

The new Child Welfare Act makes provisions for delegating responsibility for child protective services to persons outside of government. This would allow Native communities to provide their own child welfare services. This objective is being pursued by the Alberta Government in discussions with specific Native communities.

The new Act makes consultation with band councils mandatory when guardianship agreements, supervision orders and/or guardianship orders are being considered for Indian children. The requirement for consultation is reinforced by policy and practice guidelines for child welfare staff.

The department's goals include a commitment to ensure that: social programs and services are appropriate to Native people; child welfare policies for Native children are developed; guidelines are established and standards set; cross-cultural training is provided to social services personnel; preventive services for Native families are developed; and Native staff are recruited and trained to deliver services to Native communities.

In December of 1984, the Minister of Social Services and Community Health appointed a **Working Committee on Native Child Welfare** comprised of Native community workers and senior civil servants. This Working Committee has been assigned the task of developing recommendations for government on Native child welfare issues. The Committee is to ensure that Native issues and Native families are considered in the implementation of the new Act and in the development of new services.

A special provincial advisor on Native issues was appointed, along with regional counterparts in each of the department's regions, to ensure that Native Albertans and Native communities have access to the department. These employees are available as resource personnel to assist Native groups and communities at all stages of the development of Native services.

Throughout Alberta there are Native communities and groups working on developing initiatives in consultation with Alberta Social Services and Community Health. The goal is to establish adequate family support services, and to ensure children come into care of the department, only as a last alternative.

Implications for Foster Parents and Foster Parent Applicants

The new Child Welfare Act will have a direct impact on those who are now foster parents, as well as on those persons applying to become foster parents.

Impact Upon Recruitment Practices

The Act requires that when dealing with children and families, those providing protective and other services, use the least intrusive methods suitable to the circumstances. Emphasis is to be placed on prevention and early intervention. The Act further recognizes the family as the basic unit of society and the fundamental setting for nurturing of children. This will result in:

- children being placed in substitute family settings rather than in institutional and group home environments wherever possible. This may result in a need for more foster homes in some areas of the province.
- foster families being usually considered the preferred residential alternative. This will mean that foster parents will be encouraged to work with a greater range of child and family problems. Foster parents will therefore be expected to attend educational sessions to learn to cope with various situations which may occur. The department and the Alberta Foster Parent Association will strive to develop a comprehensive program of educational opportunities for foster families, in order to ensure that appropriate training is available to assist foster parents in this expanded role.
- foster parents being involved in working with a child's birth parents in order to facilitate that child's return to his or her family, if appropriate. This will require a sensitivity to the rights of a child, the rights of the child's parent(s), and the rights of foster families. As is now the case, foster parents will be expected to assist foster children to understand and cope with separation, as well as ensure that their foster child has access to his or her natural family.

The "Matters to be considered" (section 2 in the Act) place an emphasis on maintaining a child's cultural, familial, social and religious heritage. The "Matters to be considered" are principles and values that all persons take into account in the administration of the Act. This will result in:

- emphasis on recruiting and matching foster families to a child of similar cultural, familial and/or social heritage
- recognition of the need for foster homes in close proximity to the child's community
- recognition that where placement cannot be made in a home of similar culture, that the foster family must actively assist their foster child in maintaining an awareness and practice of the child's heritage.

Impact on General Fostering Practices

Foster parents are recognized as part of the support team to a child in need of protective services. This means:

- foster parents are entitled to all relevant information regarding the child in their care
- foster parents will contribute to the development of and adherence to a child's case plan
- foster parents may attend and address the Court regarding a child who is the subject of a court order or agreement and who has been in the foster parents' care for more than six months. In such cases, the foster parents will be served with notice regarding any court hearing involving the child.

The new Act limits the total cumulative period during which a child is in the custody of one or more directors or is the subject of a temporary guardianship order, to no more than 2 years. In exceptional circumstances, this period may be extended by not more than 1 year. This will impact on the case plan which will address short- and long-term planning.

Delegation of Authority

The new Act provides for the sharing and delegation of guardianship authority between the Children's Guardian and other persons having a vested interest. This means that formal authority will be delegated to foster parents to make decisions and to consent on many matters in the daily routine of providing care and supervision to their foster child. Delegated matters may include, for example, consent to ordinary and emergency medical and dental treatment, permission to enroll a child in school and attend school field trips, and other similar matters.

Appeals

The Act recognizes the right of those foster parents, who have had more than six months continuous care of a child, to appeal the decisions of a director to the Appeal Panel. As well, foster parents have access to an administrative review process regarding decisions as outlined in section 86 of the Act. If issues cannot be resolved through an administrative review, the foster parents may appeal to the Appeal Panel, established under the new Act. It is possible to bypass an administrative review and appeal directly to the Appeal Panel. In addition, foster parent applicants may appeal a director's decision to not approve their application to become foster parents.

Introduction of Private Guardianship

The Act introduces the concept of private guardianship to child welfare in Alberta. Where foster parents have had a relationship of long duration or intense involvement with their foster child, they may wish to apply to the Court for exclusive guardianship responsibility. Private Guardianship is an alternative to adopting a foster child and in many instances may be a more appropriate alternative.

Conclusions

The new Act emphasizes that decisions must be made in a child's best interest. This priority is reflected in such matters as: commitment to case planning, accountability, quality of services, the use of a network of community resources (of which foster families are a major resource), and the development of a stable and meaningful relationship for children within their own cultural, religious, social, and familial heritage. These commitments will support and guide the efforts of the foster care program and foster parents in Alberta through the 1980s.

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